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CIA in Middle of Slander Suit

The mysterious Central Intelligence Agency which has both been highly praised and adversely criticized for its activities in the last few years has become involved in a slander suit. Entirely aside from the matter of ethics, which most spy novel authors claim does not have relevance to espionage, the legal ramifications are extensive.

What was thought to be a petty squabble between two Estonian refugee leaders was climaxed when Erik Heine, of Toronto, Canada, but originally from Estonia, filed a slander suit against Kurt Raus, also from Estonia and now living in Washington. Heine charged that Raus called him a Soviet agent in public.

Raus has not denied the charge but instead has brought in the CIA for his defense. He should have "absolute immunity" from suit, according to this defense, because the statements he made about Heine were done under orders from the CIA for which he is an agent and for the purpose of protecting "the integrity of the agent's foreign intelligence sources" within the Estonian refugee community in the United States and Canada. Nothing has been said to indicate that Heine really was a Soviet agent. Raus apparently felt, or his CIA superiors felt, that discrediting Heine was necessary to bolster his own reputation among the Estonians and his value as an agent.

Certainly this is right out of a John Le Carre story if not an Ian Fleming novel whose spy activities are not quite so sordid and unglamorous. At issue is the extent of immunity from court action extended to government employees. Members of Congress have absolute immunity for any speech or legislative action in session. The United States Supreme Court in 1959 extended the immunity blanket to cover some other employees. Relying upon this immunity, Raus has simply refused to answer all questions in court. Anything he said might endanger American intelligence, according to an affidavit signed by the current CIA director, W. F. Raborn.

However important our espionage network is in defending our freedoms against Communist encroachment, there seems to be considerable evidence that the CIA has forgotten exactly what its purpose is. Perhaps this is necessary by the very nature of espionage which exists only through duplicity and falsehood. But it is disturbing that part of a CIA plan involves the destruction of the reputation of another whose only sin appears to be his very innocence of knowledge of CIA activities. There is a contempt here for humanity that could well extend to a contempt for human life itself. Must we use Communist tactics to defend ourselves from the Communists? And if so, how do we find out who won?